

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Albert J. Anderson, IV, Debtor. Laura D. Anderson, Joint Debtor. U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF12 Mortgage Pass-Through Certificates, Series 2006-FF12, Movant, v. Albert J. Anderson, IV, Debtor/Respondent, Laura D. Anderson, Joint Debtor/Respondent, KENNETH E. WEST, Trustee/Additional Respondent.	Bankruptcy No. 24-13975-pmm Chapter 13 Hearing Date: May 21, 2025 Hearing Time: 1:00 P.M. Hearing Location: 900 Market Street, Second Floor, Philadelphia, PA 19107 Courtroom Number #3
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**MOTION FOR RELIEF FROM AUTOMATIC STAY OF U.S. BANK TRUST
NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF THE FIRST
FRANKLIN MORTGAGE LOAN TRUST 2006-FF12 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-FF12 TO PERMIT FORECLOSURE OF
3815 NEDLA ROAD, PHILADELPHIA, PENNSYLVANIA 19154**

U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF12 Mortgage Pass-Through Certificates, Series 2006-FF12 (“Movant” or “Secured Creditor”), by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, avers the following:

1. Albert J. Anderson, IV and Laura D. Anderson (Debtors”), filed a Voluntary Petition pursuant to Chapter 13 of the United States Bankruptcy Code on November 4, 2024.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and statutes affecting the jurisdiction of the Bankruptcy Courts generally.
3. On June 27, 2006, Albert J. Anderson IV and Laura Ramsher executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of a Note in the amount of \$170,400.00 to First Franklin, A Division of Nat. City Bank of In. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded July 12, 2006 at Document ID 51482067 of the Public Records of Philadelphia County, PA. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the real property located at 3815 Nedla Road, Philadelphia, Pennsylvania 19154, (the “Property”).
6. By mutual agreement, the parties entered into a Loan Modification (“Agreement”) December 30, 2014, thus creating a new principal balance of \$202,531.75. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was last assigned to U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF12 Mortgage Pass-Through Certificates, Series 2006-FF12 and same was recorded with the Philadelphia County Recorder of Deeds October 25, 2016, at Document ID 53128835. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”

8. Select Portfolio Servicing, Inc. is the servicer of the loan described in the Note and Mortgage and, as such, has the authority to initiate the instant action and any foreclosure proceedings on the Creditor's behalf.
9. Based upon the Chapter 13 Plan of Debtors (at Docket No.5), Debtors intend to cure all pre-petition arrearages due Movant through the Chapter 13 Plan and remain responsible for maintaining post-petition payments directly to Movant. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit "E."
10. Debtors failed to make monthly payments of principal, interest, and escrow in the amount of \$1,193.38 each that came due during the period December 1, 2024 through February 1, 2025. *see* Exhibit "F."
11. As a result, as of February 28, 2025, post-petition arrears of the Debtors total \$3,015.14, less a suspense of \$565.00 or \$2,450.14.
12. In contrast, as of February 11, 2025, the current unpaid principal balance due under the loan documents is \$184,582.36. Also as of this date, Movant's total claim amount, itemized below, is \$192,956.72. *see* Exhibit "F."

Principal Balance	\$184,582.36
Interest (From 01/01/24 To 02/11/25)	\$6,186.90
Escrow Advance	\$2,144.94
Suspense Balance	(\$565.00)
Total-Fees	\$2.69
Accum. Late Charges	\$124.83
Accum. NSF Charges	\$120.00
Recoverable Balance	\$360.00
Total to Payoff	\$192,956.72

13. According to the Debtors' schedules, the value of the Property is \$256,164.00. A true and

correct copy of the Debtors' Schedule A/B is attached hereto as Exhibit "G."

14. Under Section 362(d)(1) of the United States Bankruptcy Code ("Code"), a court shall grant relief from the automatic stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the automatic stay under Section 362(d)(1) is established where a debtor fails to make installment payments or payments due under a court-approved plan on a secured debt, or where the debtor(s) have no assets or equity in the mortgaged property.
15. As set forth herein, Debtors defaulted on the within secured obligation by failing to make monthly post-petition installment payments when they became due.
16. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Movant, its successors and/or assigns to pursue allowed state court remedies, including the filing of an action in Mortgage Foreclosure.
17. In addition, once the automatic stay is terminated, the Debtors will have minimal motivation to insure, preserve, or protect the Property; therefore, Movant requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Movant prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit U.S. Bank National Association, as trustee for the holders of the First Franklin Mortgage Loan Trust 2006-FF12 Mortgage Pass-Through Certificates, Series 2006-FF12 to take any and all steps necessary to exercise any and all rights it may have in the Property described herein, gain possession of said collateral, seek recovery of reasonable attorney fees and costs incurred in this proceeding, waive the 14-day stay imposed by

Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: 04/04/2025

**Robertson, Anschutz, Schneid, Crane
& Partners, PLLC**

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By: /s/ Sherri R. Dicks

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